



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

**JUN -2 2016**

Theo Milonopoulos

Studio City, CA 91604

RE: MUR 6836  
Marianne Williamson for Congress  
*et al.*

Dear Mr. Milonopoulos:

On May 24, 2016, the Federal Election Commission reviewed the allegations in your complaint dated May 30, 2014, and found that on the basis of the information provided in your complaint and information provided by the University of California, Los Angeles ("UCLA") and Americans for Democratic Action ("ADA"), there is no reason to believe UCLA or ADA violated the Federal Election Campaign Act of 1971, as amended ("Act").

In addition, based on the allegations in your complaint and information provided by Marianne Williamson for Congress and Kevin R. Heneghan in his official capacity as treasurer ("Committee") and Progressive Leaders for Democratic Action ("PLDA"), the Commission voted to dismiss the matter as to them. Accordingly, on May 24, 2016, the Commission closed the file in this matter.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66,132 (Dec. 14, 2009). The Factual and Legal Analyses, which more fully explain the Commission's findings, are enclosed.

1-800-4-A-NIAGARA-50-50

Sincerely,

Dan Petalas  
(Acting General Counsel

BY: Jeff S. Jordan  
Assistant General Counsel  
Complaints Examination &  
Legal Administration

**FEDERAL ELECTION COMMISSION**

**FACTUAL AND LEGAL ANALYSIS**

RESPONDENTS: Marianne Williamson for Congress      MUR 6836  
and Kevin R. Heneghan as treasurer  
Progressive Leaders for Democratic  
Action  
Americans for Democratic Action

**I. INTRODUCTION**

This matter was generated by a complaint alleging violations of the Federal Election Campaign Act of 1971, as amended (the "Act") and Commission regulations by Marianne Williamson for Congress and Kevin R. Heneghan as treasurer ("Committee"), the Progressive Leaders for Democratic Action ("PLDA"), the University of California, Los Angeles ("UCLA"), and Americans for Democratic Action ("ADA"). It was scored as a low-rated matter under the Enforcement Priority System, by which the Commission uses formal scoring criteria as a basis to allocate its resources and decide which matters to pursue.

**A. Facts**

In early May 2014, PLDA, a student organization at UCLA, posted on its Facebook page that it endorsed Williamson for Congress and encouraged UCLA students to volunteer to help the campaign. Compl. at 2-3. PLDA also posted photographs of students wearing Williamson campaign t-shirts and news about an off-campus event featuring her and musician Alanis Morissette. *Id.*

On May 29, 2014, PLDA sponsored an event for Williamson on campus. Compl. at 1-3. PLDA publicized the event by posting a flyer on its Facebook page. Compl. at 3. The flyer includes a disclaimer at the bottom that states, "Paid for by Marianne Williamson for Congress."

1 See Compl. Appendix A. The event included “an elaborate fruit, cheese and refreshment  
2 display.” Compl. at 1.

3 In addition to alleging that UCLA and PLDA made prohibited contributions,  
4 Complainant alleges that they violated the Act by promoting and endorsing Williamson, and that  
5 PLDA is a “front” for her campaign. *Id.* at 3-4. Furthermore, the Complainant alleges that  
6 PLDA is hosted on the same nationbuilder.com platform as the Los Angeles Chapter of ADA,  
7 which supports the theory that PLDA was established in April 2014 in association with  
8 supporters of the Committee in order to make it appear as though a UCLA student association  
9 supported the campaign. *Id.*

10 UCLA responds that it did not host the May 29 event; rather PLDA, an independent,  
11 registered student organization, hosted it. UCLA Resp. at 1, 3. UCLA further states that it  
12 charged PLDA the same rate for the use of its facilities that it would have charged any other  
13 student group, and that PLDA received no university funding. *Id.* at 1, 3 and 4. Specifically,  
14 UCLA invoiced PLDA for event costs totaling \$68, which purportedly covered event planning  
15 and personnel. *Id.* at 5 and UCLA Resp., Exh. H. (payment receipt from PLDA).<sup>1</sup>

16 The joint response from PLDA and ADA, submitted by Joe Cicero, states that the PLDA  
17 is not a “front organization” for anyone.<sup>2</sup> PLDA Resp. at 1. PLDA further responds that it was  
18 not created just to support Williamson and notes that she was one of 36 candidates endorsed by  
19 both ADA and PLDA. *Id.*

<sup>1</sup> Publicly available information indicates that the room where the Williamson event took place, the Global Viewpoint Lounge in the Ackerman Union on UCLA's campus, is available at no cost to student groups. See [http://legacy.asucla.ucla.edu/eventservices/stu\\_venues.asp?ref=prices](http://legacy.asucla.ucla.edu/eventservices/stu_venues.asp?ref=prices).

<sup>2</sup> Joe Cicero appears to be the President of the Southern California Chapter of ADA and a founding director of PLDA. See PLDA Resp.

1 The Committee responds that the Complaint does not allege it violated the Act.  
2 Committee Resp. at 1. The Committee further states that it paid for the event's costs and  
3 advertisements, and it is not aware of any payments by PLDA or anyone else.<sup>3</sup> *Id.*

4 An unincorporated student group, such as PLDA, is a "group of persons" and, thereby,  
5 comes under the definition of a "person" under the Act. 52 U.S.C. § 30101(11). In 2014, a  
6 person was limited to making \$2,600 in contributions, including in-kind contributions, per  
7 election to any candidate. 52 U.S.C. § 30116(a)(1)(A). The term "expenditure" is defined by the  
8 Act as "any purchase, payment ... or anything of value made by any person for the purpose of  
9 influencing any election for Federal office ..." 52 U.S.C. § 30101(9)(A).

10 There is no evidence in the record to suggest that ADA was involved with the event and,  
11 therefore, the Commission finds no reason to believe that Americans for Democratic Action  
12 violated the Act or Commission regulations.

13 It is not clear whether the Committee or PLDA paid the costs associated with the event.  
14 The Committee states that it paid all of the costs, although the receipt from UCLA indicates that  
15 PLDA paid the room rental fees and other costs. Committee Resp. at 1, UCLA Resp., Exh. H.  
16 (payment receipt from PLDA). We also do not know the cost of the food and refreshments,  
17 although they were likely modest. In any event, the Committee's reports to the Commission do  
18 not appear to disclose the costs, either as a contribution from PLDA or an expenditure it made.

19 However, in light of the apparent low dollar amount associated with the event at issue,  
20 the Commission exercises its prosecutorial discretion, pursuant to *Heckler v. Chaney*, 470 U.S.

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<sup>3</sup> In contrast, in an article attached to the Complaint, Cicero apparently stated that the Williamson event was not funded by the Committee but that PLDA had applied for funding for it from another student group. See Compl. Attachment, Benjamin Genta, THE DAILY BRUIN ([HTTP://DAILYBRUIN.COM](http://DAILYBRUIN.COM)), *Candidate Marianne Williamson speaks at Ackerman Thursday* (May 30, 2014).

- 1 821 (1985), and dismisses this matter as to Marianne Williamson for Congress and Kevin R.
- 2 Heneghan in his official capacity as treasurer and the Progressive Leaders for Democratic
- 3 Action.

**FEDERAL ELECTION COMMISSION**

**FACTUAL AND LEGAL ANALYSIS**

RESPONDENT: University of California, Los Angeles

MUR 6836

**I. INTRODUCTION**

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**A. Facts**

In early May 2014, PLDA, a student organization at UCLA, posted on its Facebook page that it endorsed Williamson for Congress and encouraged UCLA students to volunteer to help the campaign. Compl. at 2-3. PLDA also posted photographs of students wearing Williamson campaign t-shirts and news about an off-campus event featuring her and musician Alanis Morissette. *Id.*

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12 UCLA invoiced PLDA for event costs totaling \$68, which purportedly covered event planning  
13 and personnel. *Id.* at 5 and UCLA Resp., Exh. H. (payment receipt from PLDA).<sup>2</sup>

14 **B. Legal Analysis**

15 In 2014, a person was limited to making \$2,600 in contributions, including in-kind  
16 contributions, per election to any candidate. 52 U.S.C. § 30116(a)(1)(A). The Act prohibits a  
17 corporation from making contributions to a federal political committee. 52 U.S.C. § 30118. The  
18 term “expenditure” is defined by the Act as “any purchase, payment ... or anything of value

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<sup>1</sup> The Complaint also alleges that UCLA’s actions have jeopardized its tax status as a 501(c)(3) organization. Compl. at 4. We do not address this allegation as it is not within the FEC’s jurisdiction.

<sup>2</sup> Publicly available information indicates that the room where the Williamson event took place, the Global Viewpoint Lounge in the Ackerman Union on UCLA’s campus, is available at no cost to student groups. *See* [http://legacy.asucla.ucla.edu/eventservices/stu\\_venues.asp?ref=prices](http://legacy.asucla.ucla.edu/eventservices/stu_venues.asp?ref=prices).

1 made by any person for the purpose of influencing any election for Federal office ..." 52 U.S.C.  
2 § 30101(9)(A).

3 An incorporated or unincorporated nonprofit, tax exempt, educational institution, such as  
4 a university, "may make its facilities available to any candidate or political committee in the  
5 ordinary course of business and at the usual and normal charge." 11 C.F.R. §§ 110.12(a),  
6 114.4(b)(7)(i). Such activity does not constitute a contribution or expenditure under the Act. *See*  
7 First Gen Counsel's Rpt. at 13, MURs 5550 and 5566 (Michael Moore) (Commission approved  
8 recommendations, May 19, 2006).

9 The available information in the record indicates that Respondent UCLA did not make a  
10 contribution because it made its facilities available to PLDA in the ordinary course of business at  
11 the usual and normal charge, which was paid.<sup>3</sup> 11 C.F.R. §§ 110.12(a), 114.4(b)(7)(i).  
12 Therefore, the Commission finds no reason to believe that the University of California, Los  
13 Angeles violated the Act or Commission regulations.

<sup>3</sup> UCLA states that it is one of ten campuses of the Regents of the University of California, which is a state "constitutional corporation." UCLA Resp. at 5.